Montana Department of Fish, Wildlife & Parks

Region Three - Serving Southwestern Montana
1400 South 19th Avenue
Bozeman, MT 59715-5496

October 30, 1995

TO: Governor's Office, Glenn Marx, Room 204, State Capitol, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, Capitol Building, Room 106, POB 201704, Helena, MT 59620-1704
Dept. of Health & Environmental Sciences, Director's Office, Cogswell Building, POB 200901, Helena, MT 59620-0901
Dept. of Fish, Wildlife & Parks
- Director's Office
- Parks Division
- Fisheries Division
- Wildlife Division
- Lands Section
- Design and Construction
- Legal Unit
- FWP Commissioners

Montana Historical Society, State Historic Preservation Office, POB 201202, Helena, MT 59620-1202
Montana State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620-1800
Park Co. Commissioners, 414 E. Callender, Livingston, MT 59047
Jim Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624
George Ochenski, POB 689, Helena, MT 59624
Kathy Johnson, Dept. of State Lands, P.O. Box 201601, Helena, MT 59620
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771

Ladies and Gentlemen,

Environmental assessments have been prepared for fishing access site modifications that were completed in 1994 at Dailey Lake, and for a proposal to further modify the existing site to better accommodate the desires of more lake users. This document is available for review from Montana Fish, Wildlife & Parks Region 3 Headquarters in Bozeman. A public open-house is scheduled to run from 4:00 p.m. to 8:00 p.m. on Tuesday, November 14, 1995 at the Yellowstone Motor Inn in Livingston.

Although separate from the issue of proposed access site modifications, Montana Fish, Wildlife & Parks requests that reviewers also comment on alternatives for settling the land management issue described in Attachment A of the assessment document.

Misc. Park

Comments or questions should be addressed to:

Stephen L. Lewis
Supervisor, Region 3
Montana Fish, Wildlife & Parks
1400 South 19th Avenue
Bozeman, MT 59715-5496

by Friday, December 8, 1995.

Sincerely,

Stephen L. Lewis

Stephen L. Lewis
Regional Supervisor

Montana Fish, Wildlife & Parks

ENVIRONMENTAL ASSESSMENTS OF THE DAILEY LAKE DEVELOPMENT PROJECT AND PROPOSED ACCESS SITE MODIFICATIONS

OCTOBER 25, 1995

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ENVIRONMENTAL ASSESSMENTS OF THE DAILEY LAKE DEVELOPMENT PROJECT AND PROPOSED ACCESS SITE MODIFICATIONS

BACKGROUND AND INTRODUCTION

Dailey lake is located in south-central Montana, about thirty miles from Livingston (Figure 1). This 200 acre lake supports a popular recreational fishery that includes walleye, rainbow trout, and yellow perch [1]. Because low elevation lakes in this area are rare, Dailey lake attracts a variety of recreationists, especially from nearby communities. Anglers, picnickers, campers, boaters, water skiers, windsurfers, wildlife viewers, hikers, and many others visit the lake. The lake's popularity results in intensive use. Lakeside facilities and traffic controls are now necessary to minimize harmful impacts associated with increasing numbers of recreational users.

Land surrounding the southern half of Dailey lake (T7S, R7E, S1-S2) [2] is a wildlife management area owned by the Montana Department of Fish, Wildlife and Parks (FWP). Land around the northern half (T6S, R7E, S36) is owned by the Montana Department of Natural Resources and Conservation (DNRC). Currently, FWP has no authority to manage lands at the north end of the lake. FWP is negotiating with DNRC to settle this land ownership problem (Attachment A). At this point, all new decisions by FWP are contingent on obtaining authority to manage activities on DNRC land.

Presented here under separate headings are environmental assessments of two proposed actions to upgrade and expand recreational amenities at Dailey lake:

Part A concerns work largely completed in the summer of 1994, although some work continues in 1995 to correct improper installations. Unfortunately, no assessment document for this action was prepared before construction began. Failure to produce this document was an oversight, and an error, by FWP. Because of this oversight, construction in 1994 was not in strict compliance with the Montana Environmental Policy Act. The assessment now provided in Part A shows the rationale that lead to the current access site development. This assessment is based, to the extent possible, on effects that were anticipated prior to actual construction.

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1. Stizostedion vitreum, Oncorhynchus mykiss, Perca flavescens

2. Township, Range, Section

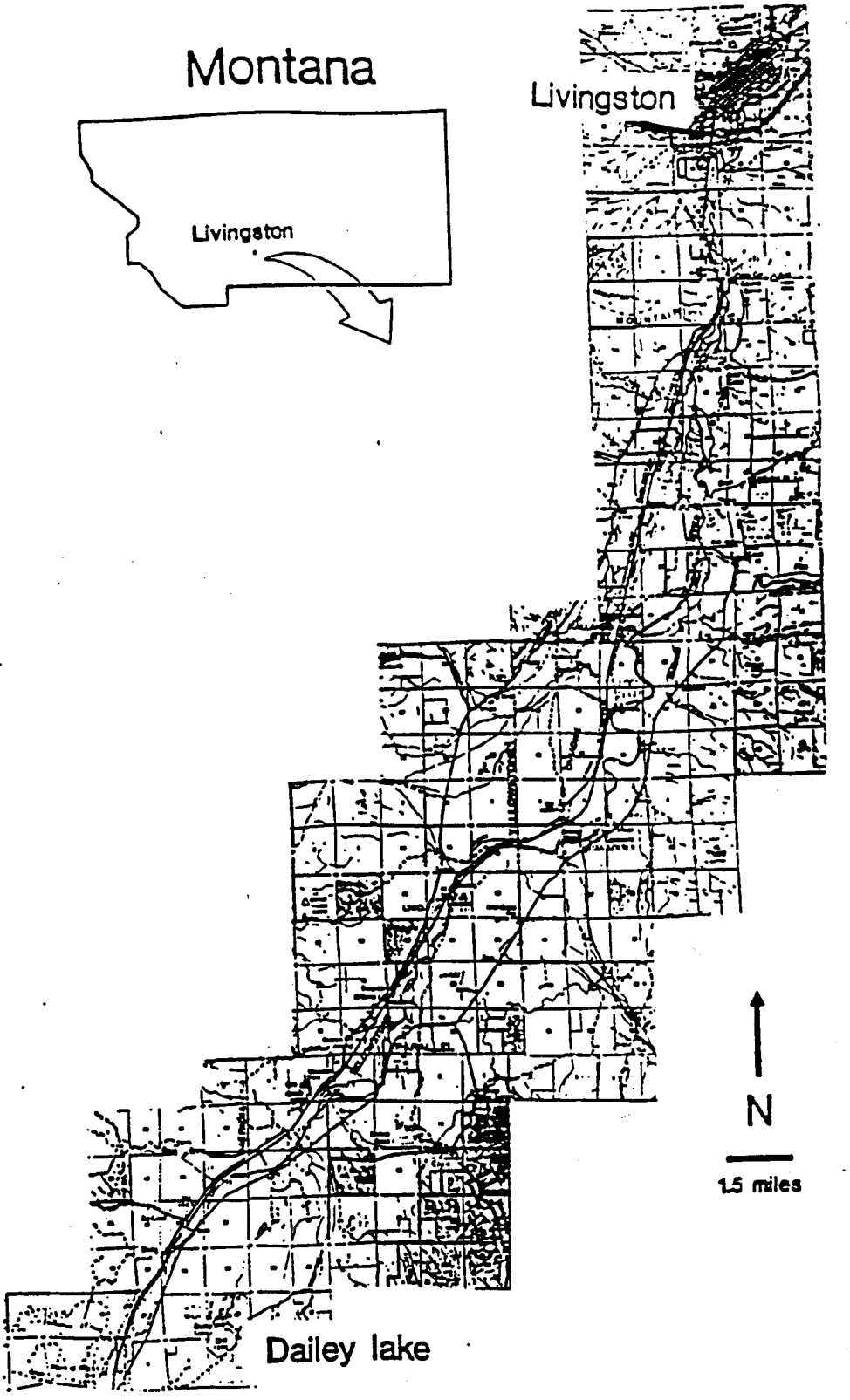

Figure 1. Location of Dailey lake, near Livingston, Montana.

Part B concerns the newly proposed action to modify the present Dailey lake access site development. Protecting the site is still a priority, but some changes may better accommodate the needs of a growing and diverse recreational public.

PART A: THE DAILEY LAKE DEVELOPMENT PROJECT

FWP constructed new facilities at Dailey lake to better accommodate more recreationists (Figures 2, 3, 4, and 5). New latrines, a new boat ramp, new roads, barriers to confine vehicles to roadways around the lake, concrete parking slabs and walkways for disabled users, a new headgate at the outlet of the lake, and a platform to provide fishing opportunities for disabled individuals, were intended to increase recreational opportunities for a growing number of lake users while still preserving the site.

Construction plans were developed in part from assessment of public desires. A questionnaire mailed to lake users in 1990 and 1991 determined recreational needs, fishing preferences, levels of conflict between different recreationists, and the extent and the type of development respondents deemed appropriate (Attachment B). Construction options were refined during presentations to local sport groups, and to members of the Dailey lake steering committee, including members of Trout Unlimited, Walleye Unlimited, Yellowstone Fly Fishers, Montana Sportsmen Incorporated, Livingston Rod and Gun Club, and also people with no club affiliations who had special interests in perch angling and windsurfing. Comments from people attending two open meetings (in Bozeman on April 23, 1992; in Livingston on January 13, 1993) were also considered when determining public concerns about these modifications.

Funds available for construction, potential environmental consequences, and the protection afforded by these modifications were other, equally important, factors considered during planning phases of this project. A summary assessment of anticipated impacts is provided below.

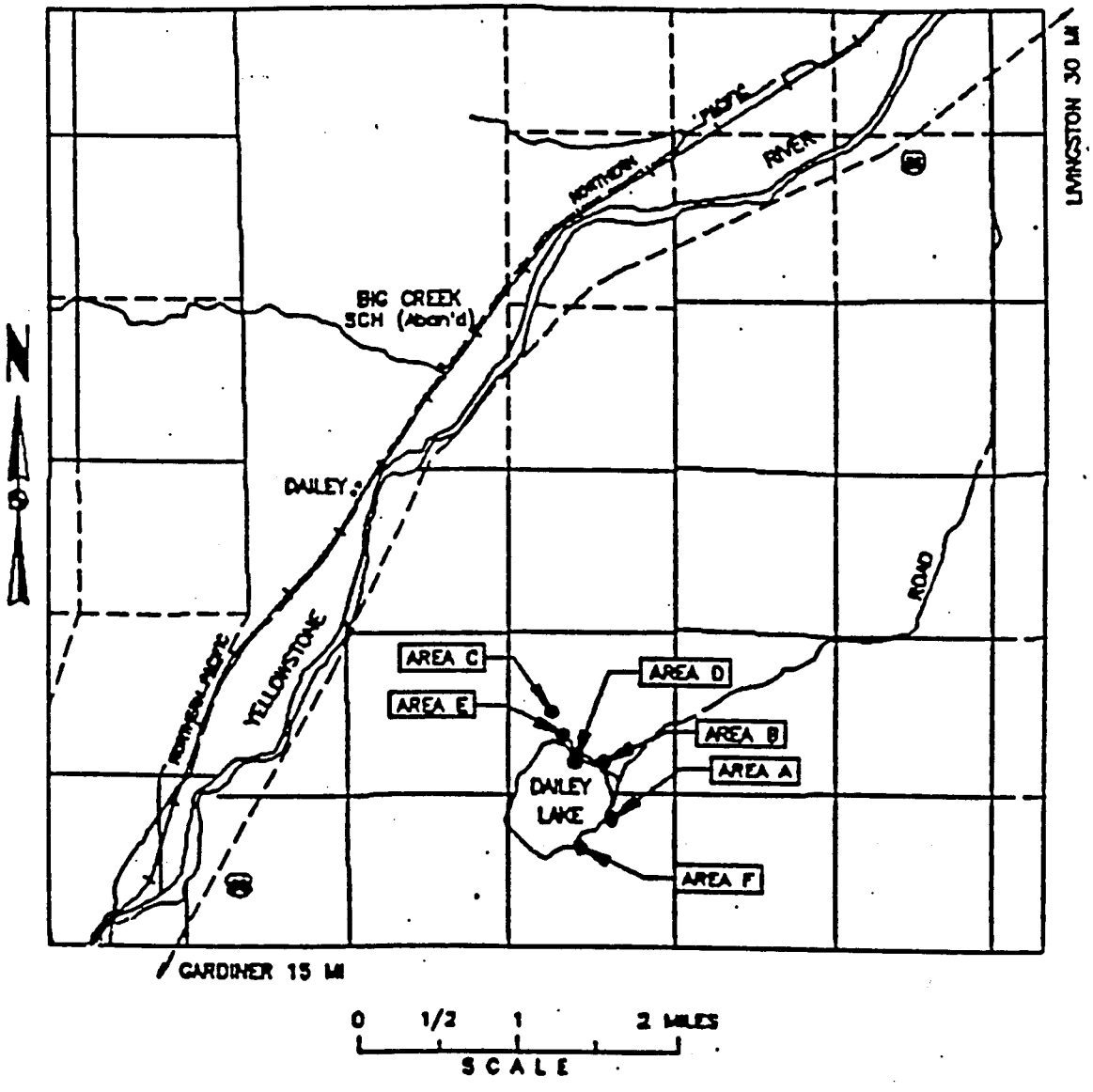

Figure 2. Construction areas at Dailey lake.

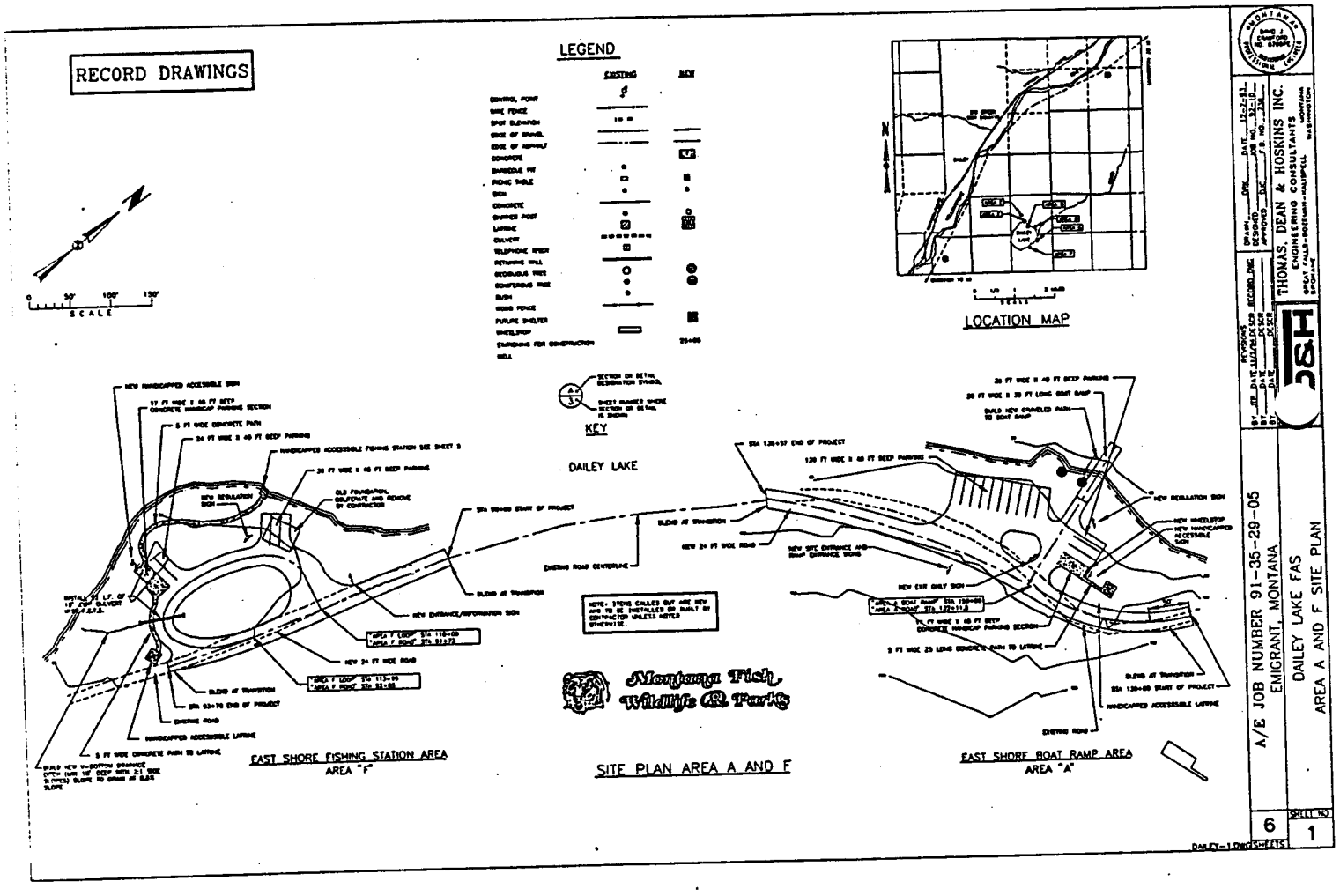

Figure 3. Detail of modifications completed in 1994 in construction areas A and F (site drawing from Thomas, Dean, and Hoskins, Inc.).

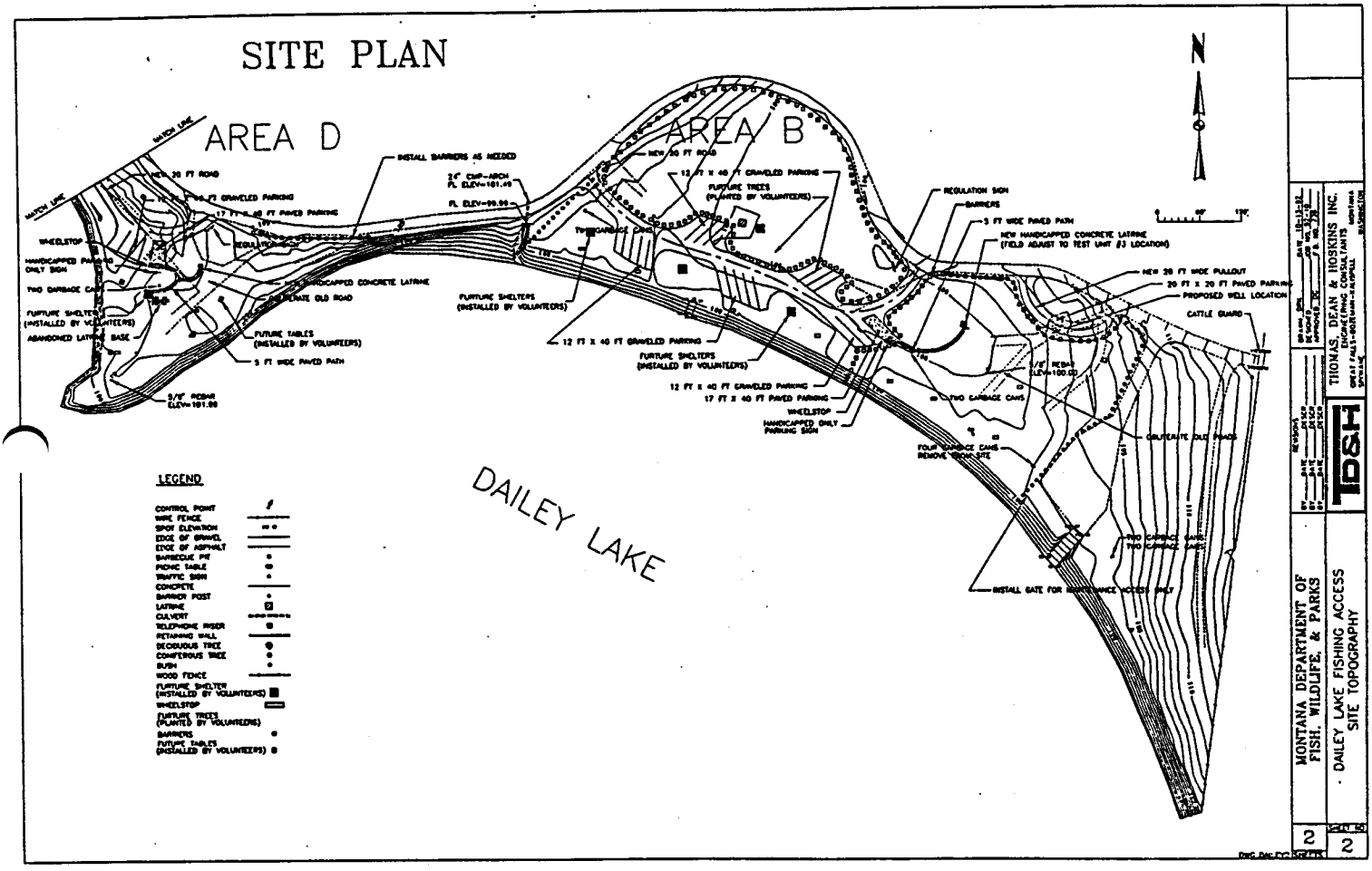

Figure 4. Detail of modifications completed in 1994 in construction areas B and D (site drawing from Thomas, Dean, and Hoskins, Inc.).

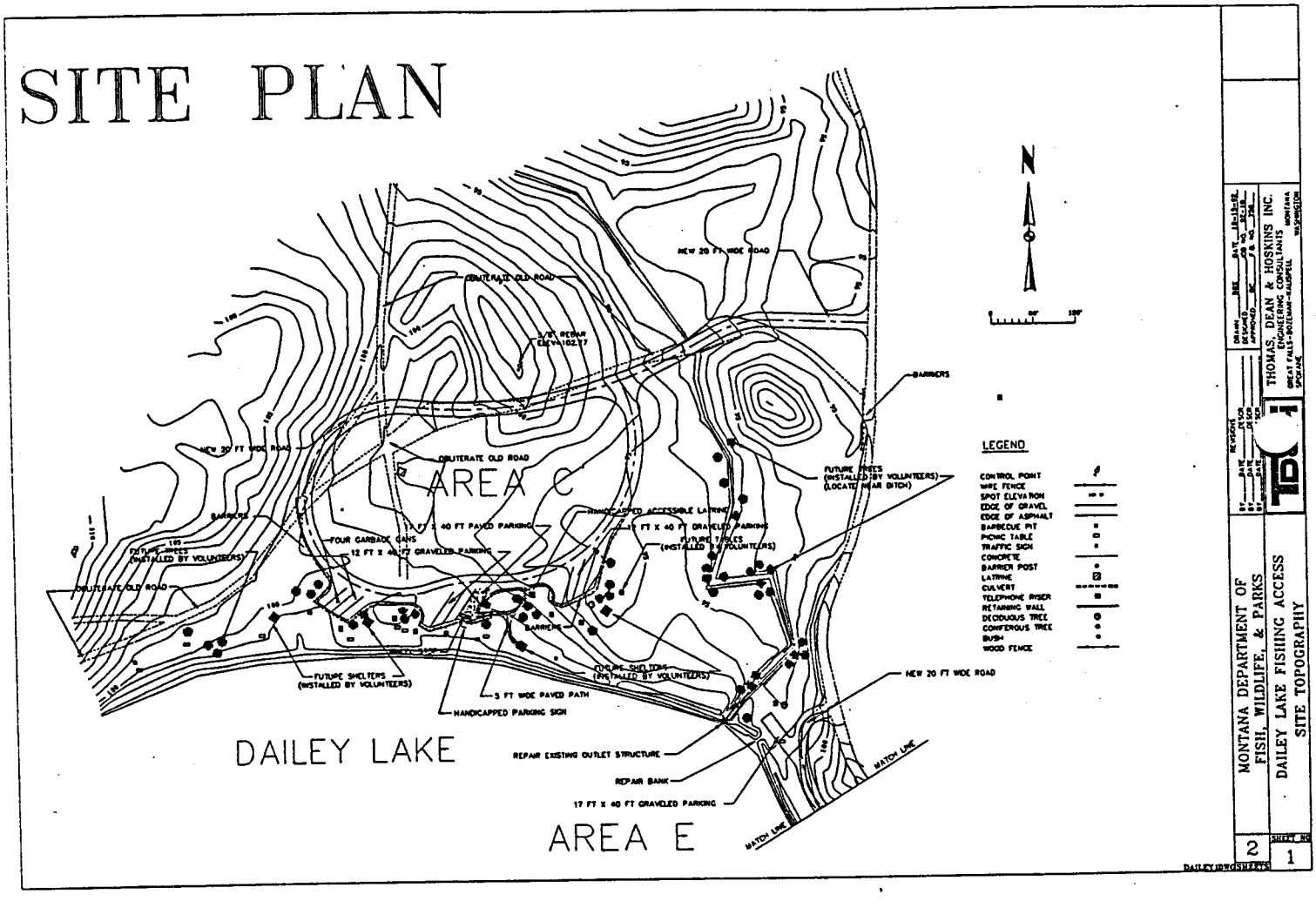

Figure 5. Detail of modifications completed in 1994 in construction areas C and E (site drawing from Thomas, Dean, and Hoskins, Inc.).

ENVIRONMENTAL REVIEW: PHYSICAL ENVIRONMENT

Minor impacts to land resources are expected at the construction site (Table 1). New road construction is primarily responsible for most potential adverse effects. Soil will be compacted in the immediate vicinity of these roads. Construction may produce short term increases in erosion that could increase sediment loading to Dailey lake. None of these effects is expected to have long term negative consequences. Minor effects during construction are offset by the protection that designated roadways will provide after new construction is completed.

Table 1. Land resource considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Soil instability or changes in geologic substructure?			X	
Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X	
Destruction, covering or modification of any unique geologic or physical features?		X		
Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X	
Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X		

Air quality should not be adversely affected except for the usual exhaust emissions and dust associated with heavy equipment operations (Table 2). None of these effects will last beyond the actual construction period.

Table 2. Air quality considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Emission of air pollutants or deterioration of ambient air quality?			X	
Creation of objectionable odors?			X	
Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X		
Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X		
Discharge which will conflict with federal or state air quality regulations?		X		

Water quality should be unaffected by construction, although gas and oil spills from equipment are possible, and sediment runoff may increase when the site is disturbed during construction. Road surfaces will change infiltration rates and runoff patterns. These potentially adverse effects can be minimized by using equipment in excellent mechanical condition, and by the proper design of road grade, slope, and drainage so that runoff does not increase sediment loading to Dailey lake (Table 3).

Table 3. Water quality considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X	
Changes in drainage patterns or the rate and amount of surface runoff?			X	
Alteration of the course or magnitude of flood water or other flows?		X		

(continued page 10)

Table 3. Water quality considerations.

(continued from page 9)

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Changes in the amount of surface water in any water body or creation of a new water body?		X		
Exposure of people or property to water related hazards such as flooding?		X		
Changes in the quality of groundwater?		X		
Changes in the quantity of groundwater?		X		
Increase in risk of contamination of surface or groundwater?			X	
Effects on any existing water right or reservation?		X		
Effects on other water users as a result of any alteration in surface or groundwater quality?		X		
Effects on other users as a result of any alteration in surface or groundwater quantity?		X		
Changes to a designated floodplain?		X		
Discharge that will affect federal or state water quality regulations?		X		

Some loss of existing vegetation is anticipated from new roads and concrete structures, including latrines, walkways, and parking slabs. These losses should not affect community structure or species diversity (Table 4). No threatened or endangered plant species is identified at this site. Reducing offroad traffic and restricting some recreational activities to daytime only should benefit most plant communities in the area.

A serious concern is the potential that noxious weeds will establish during construction. Efforts to revegetate disturbed areas will help minimize this threat. Limiting traffic to existing roadways will also help prevent the spread of noxious weeds.

Table 4. Local vegetation considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X	
Alteration of a plant community?			X	
Adverse effects on any unique, rare, threatened, or endangered species?		X		
Reduction in acreage or productivity of any agricultural land?		X		
Establishment or spread of noxious weeds?			X	
Changes to wetlands, or prime and unique farmland?		X		

Construction at Dailey lake should have no serious adverse effects for fish or other wildlife in the area (Table 5). Bald eagles fly through the area, but construction activities should not be more disruptive than normal recreational activity at the lake. The potential to disturb elk on their winter range in the FWP wildlife management area is offset by restricting activities to daytime on the eastern shore of the lake. Adequate facilities, in general, should help limit adverse effects associated with increasing numbers of people.

Table 5. Fish and wildlife considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Deterioration of critical fish or wildlife habitat?		X		
Changes in the diversity or abundance of game animals or bird species?			X	
Changes in the diversity or abundance of nongame species?			X	

(Continued page 12)

Table 5. Fish and wildlife considerations.

(Continued from page 11)

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Introduction of new species into an area?		X		
A barrier to the migration or movement?		X		
Adverse effects on any unique, rare, threatened, or endangered species?		X		
Increase in conditions that stress wildlife populations or limit abundance?			X	
Adverse effects for any T&E species or their habitat?			X	
Introduction or exportation of any species not presently or historically occurring at the site?		X		

ENVIRONMENTAL REVIEW: HUMAN ENVIRONMENT

Noise levels should not exceed those expected when heavy equipment is operating. Nuisance noise levels will end when construction is completed. No electrical risk or problem with electrical interference is expected (Table 6).

Table 6. Noise and electrical considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Increases in existing noise levels?			X	
Exposure of people to severe or nuisance noise levels?			X	
Creation of electrostatic or electromagnetic effects detrimental to human health or property?		X		
Interference with radio or television reception and operation?		X		

Current land uses in the area should not be impacted adversely (Table 7). Proposed improvements are being made at an already established recreational site. No conflict is anticipated [3].

Table 7. Current land use considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Alteration or interference with the productivity or profitability of any existing land use?		X		
Conflict with a designated natural area or area of unusual scientific or educational importance?		X		
Conflict with any existing land use that would constrain or prohibit the proposed action?		X		
Adverse effects on or relocation of residences?		X		

Human health risks and hazards are primarily those associated with construction activities using heavy equipment. No explosives or chemical poisons will be used. Standard safety practices, and care during construction, should prevent serious adverse consequences (Table 8).

Table 8. Human health risk considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Risk of an explosion or release of hazardous substances?			X	
Affect existing emergency response or emergency evacuation plan or create a need for a new plan?		X		
Creation of any potential human health hazard?			X	
Will any chemical toxicant be used?		X		

3. The ownership conflict between the Department of Natural Resources and Conservation (formerly Department of State Lands) and Fish, Wildlife and Parks (Attachment A) was not recognized until after construction in 1994 was completed.

No adverse community impacts are anticipated (Table 9).

Table 9. Community impact considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Alteration of the location, distribution, density, or growth rate of the human population of an area?		X		
Alteration of the social structure of a community?		X		
Alteration of the level or distribution of employment or community or personal income?		X		
Changes in industrial or commercial activity?		X		
Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X		

No adverse effect on local taxes, or need for additional public services, is anticipated (Table 10). Funding for this work is provided by FWP budgets and federal access site development programs.

Table 10. Public services, taxes, and utilities considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Required changes in governmental services?		X		
An effect on local or state taxes and revenues?		X		
A need for new facilities or substantial alterations of any major utilities?		X		
Increased used of any energy source?		X		

Due to the level of public involvement deciding which improvements to implement, no serious conflict concerning aesthetics or recreation is anticipated (Table 11).

Table 11. Aesthetics and recreational considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X	
Alteration of the aesthetic character of a community or neighborhood?		X		
Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X		
Impacts to any designated or proposed wild or scenic rivers, trails or wilderness areas?		X		

A significant archeological site is identified at Dailey lake by the Sate Historical Preservation Office (SHPO, Attachment C). A potentially serious threat to valuable historic and cultural resources exists if construction occurs in this area. To prevent harm, no site development is planned for this location. People will be excluded from the area when access site improvements are completed. For these reasons, significant impacts to cultural resources are avoided. Adverse effects should be minor, or non-existent (Table 12).

Table 12. Cultural and historic resource considerations.

Will the proposed action result in:	Impact			
	Unknown	None	Minor	Potentially significant
Destruction or alteration of any site, or feature, of cultural or historic importance?			X	
Physical change that would affect unique cultural values?			X	
Effects on existing religious or sacred uses of a site or area?		X		
Will the project affect historic or cultural resources?			X	

In general, improvements proposed for Dailey lake will enhance recreational opportunities for most lake users, including handicapped individuals. Adverse effects from construction should be minor. Long term benefits include recreational access to more users, less offroad travel, and less disturbance to wildlife. No substantial controversy is anticipated, now, or in the future (Table 13).

Table 13. Summary evaluation of the Dailey lake development project.

Will the proposed action, considered as a whole:	Impact			
	Unknown	None	Minor	Potentially significant
Have impacts that are individually limited, but cumulatively considerable?		X		
Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X		
Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X		
Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X		
Generate substantial debate or controversy about the nature of the impacts that would be created?			X	

PART B: PROPOSED MODIFICATIONS FOR THE DAILEY LAKE DEVELOPMENT PROJECT

FWP proposes to modify construction presented in Part A, so that new improvements are better suited to a greater number of lake users.

Recent complaints about FWP improvements at Dailey lake prompted FWP to reevaluate the Dailey lake development project. In general, people who complained said that changes were too extensive, or that particular improvements were different than what they had expected. FWP implemented a process to identify new issues and concerns after a public meeting was organized by dissatisfied lake users on January 25, 1995. After this meeting, a committee of state agency employees and community representatives (Attachment D) was established to discuss issues and possible alternatives to the current access site development. This committee met three times (February 22, March 2, and March 30, 1995). Based on these committee meetings, and the January 25 public meeting, the following issues to address were identified:

ISSUES

A. Recreational opportunities, particularly camping, are too limited now compared to opportunities that existed before the recent site development.

New road barriers and day-use-only areas preclude traditional camping and other uses of the lakeshore areas. In the past, people have had essentially unrestricted access to most of the lakeshore. Typically, people would drive to a favored spot and set up camp, or engage in other activities directly along the lakeshore. Now, many of these areas can not be reached by full size car or recreational vehicle. Creosote posts were used as barriers in many areas and have raised an additional concern that their preservative will have adverse environmental effects.

Most of the restricted access to motor vehicles is intentional. Site planners were attempting to limit offroad damage to lakeshore areas, and especially to prevent the establishment and spread of noxious weeds that have become a serious problem at other recreational sites. This concern is especially urgent as the number of people using these sites have increased.

During routine inventories, an archeologist hired by FWP identified a significant (national registry eligible) site on the shores of Dailey lake. Because the SHPO agreed that the site was significant, and because Dingell-Johnson funds were requested to improve this access area, FWP consulted with the US Fish and Wildlife Service (USFWS) to establish appropriate protection for the site. An agreement between FWP, USFWS, and the National Advisory Council on Historic Preservation now requires barriers and use restrictions that eliminate traditional access to the lakeshore at this location.

B. New latrines are improperly positioned with respect to prevailing winds.

Dailey lake is known for predictably windy conditions. Strong winds will often exceed thirty miles per hour, and often blow from the south. These winds make opening doors on the new latrines very difficult.

C. Garbage service that was discontinued should be reestablished.

Before the summer of 1994, garbage service was provided at Dailey lake by FWP. Costs for this service and labor were provided by the Parks Division of Region 3. Because of limited budgets, increasing use, and inflationary costs associated with maintaining all access sites in the region, garbage removal was discontinued at Dailey lake in 1994. People are now asked to carry their own garbage out when they leave the lake, a common cost saving policy at many access sites. Some people feel that this situation will promote enough carelessness that the risk of harm to the site outweighs the costs of reinstating routine garbage service.

A decision whether or not to modify the existing site and operations in light of these issues must now be made. This decision is necessary in order to satisfy disgruntled lake users, and to meet obligations of FWP to its lake using public. In addition to its proposal to modify existing improvements, FWP is also considering the alternative actions of making no changes at the site, or removing all improvements that were recently installed. Each alternative is described below:

ALTERNATIVE ACTIONS

A. Leave site alone; no further modifications.

Leaving the site unchanged is the least expensive alternative since no new money is required. All funds from federal sources are accounted for in expenditures to date; no reimbursement of these funds would be necessary. Costs associated with this alternative are only those required to maintain the facilities in their existing condition. At present, about $2,100.00 is budgeted each year for this purpose. This budget does not include a garbage removal service.

The controversial improvements are new and the site has been used only once during a peak recreational season. No one knows how satisfactory the current development might be over time. Leaving the site alone would allow more time to evaluate user preferences and concerns, and would avoid spending money inappropriately and prematurely if most people using the lake are satisfied with the current situation. This alternative minimizes new impacts to the area, since no new construction is required. However, this alternative also fails to address the concerns and dissatisfactions of many people that prompted this reevaluation in the first place.

B. Remove all access site modifications.

Removing all access site modifications at Dailey lake is the most expensive alternative because of the loss of money used to establish these improvements initially, and the additional cost of removal. By March 7, 1995, new construction at Dailey lake cost $139,363.00. Removing everything established in 1994 would add 70% to 80% more to this total, as much as $111,490.00. Federal funds would need to be reimbursed if the project is abandoned. These funds amount to as much as $101,184.00. Total costs of removing the project therefore would be about twice the cost of establishing these improvements in the first place.

Total removal of the improvements satisfies most controversies here, simply because complaints are about these recent changes. However, none of the original objectives to protect this access site from damage would be met. Also, removing all improvements would have the greatest local site impact because extensive new construction would be required.

C. Modify the existing access site to accommodate each concern raised in issues that have been identified for the site.

Costs for this action exceed the no action alternative, but are much less than the expense of complete removal. Slight modifications to existing barriers, and minimal road improvement, would allow access between barriers for more traditional camping and day use activities. As presently proposed, these modifications would cost about $10,840.00 (Table 14).

Two sites in project area A (Figure 6) would have ditches filled and access areas graveled; two sites in area B (Figure 7) would have barriers removed, ditches filled, and access areas graveled; three sites in area C (Figure 8) would have ditches filled and access areas graveled, and three other sites would have barriers removed, ditches filled and access areas graveled. Five sites in area F (Figure 6) would have ditches filled and access areas graveled, and one site would have the ditch filled and access graveled after installing a 60 foot culvert.

Day use restrictions would be changed to allow overnight camping. Except where removed to provide new access, creosote posts would remain in place. Although the Environmental Protection Agency does not list creosote as hazardous near water on posts like those used at Dailey lake, each post could eventually be replaced with rock, if time and money allow.

The new latrines are properly positioned with doors facing south so that their ventilation systems work as designed to reduce odor. However, each latrine will be fitted with wind deflectors for about $1800.00 each to make opening doors in strong winds easier.

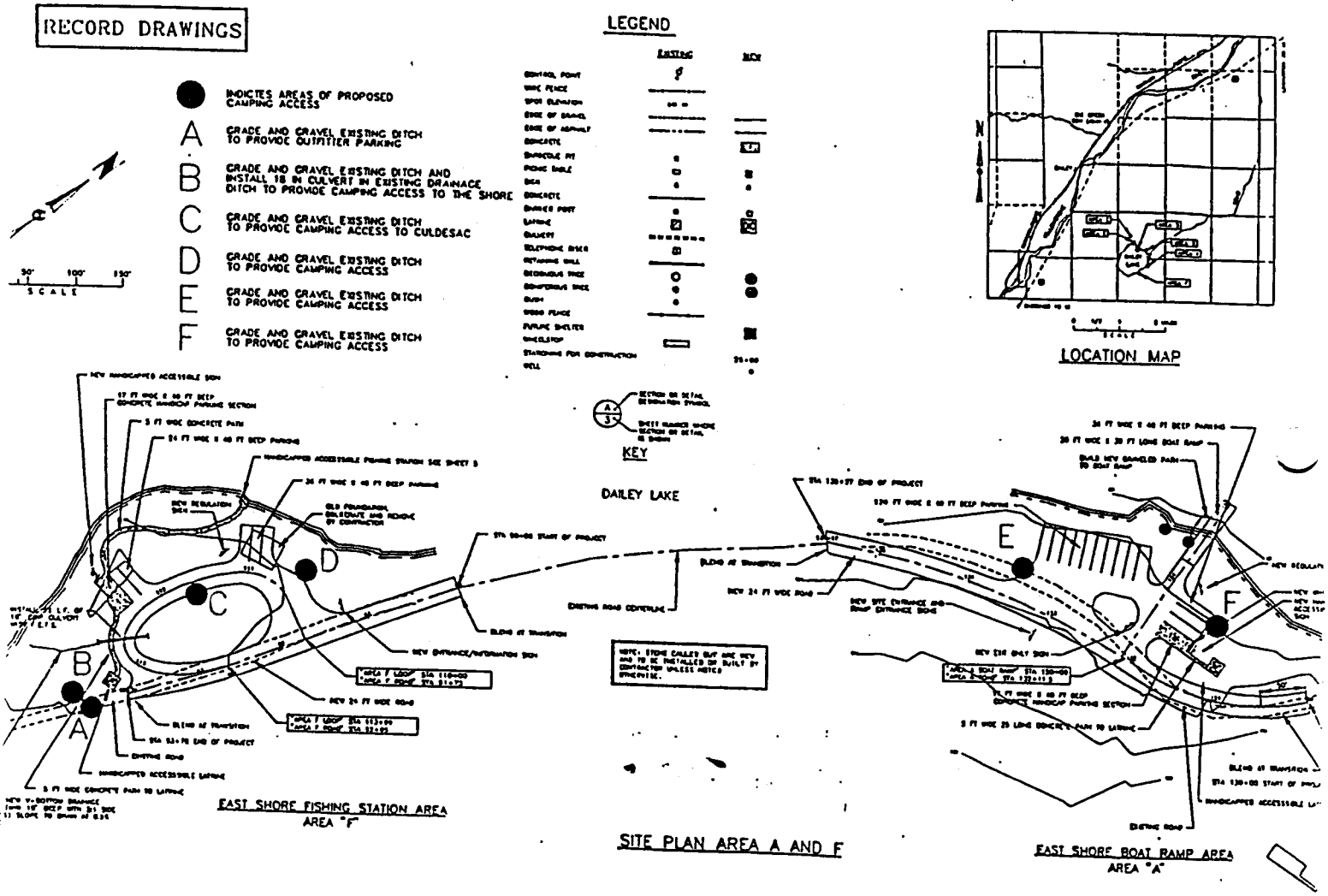

Figure 6. Proposed modifications in construction areas A and F (site drawing from Thomas, Dean, and Hoskins, Inc.).

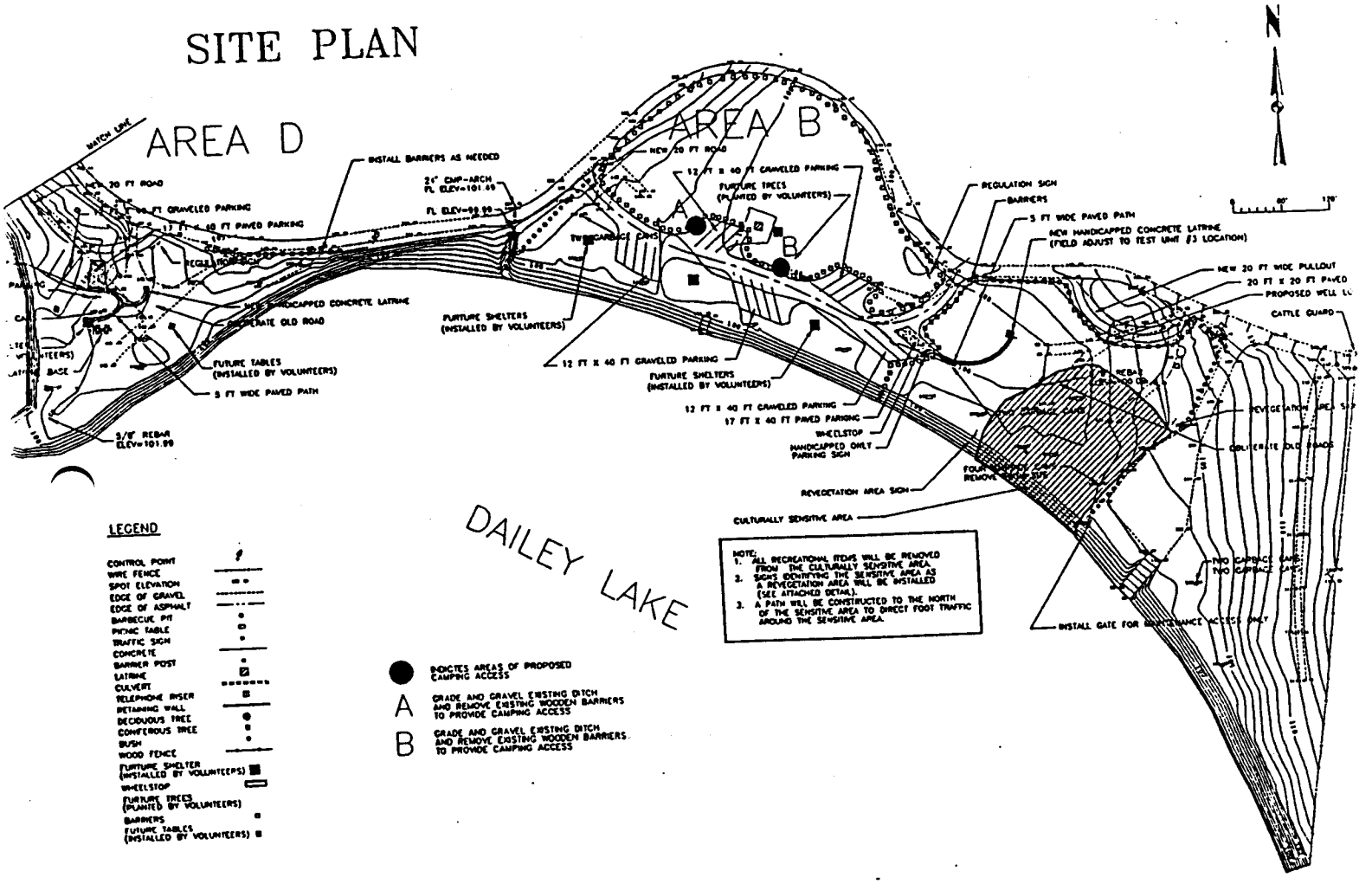

Figure 7. Proposed modifications in construction area B (site drawing from Thomas, Dean, and Hoskins, Inc.).

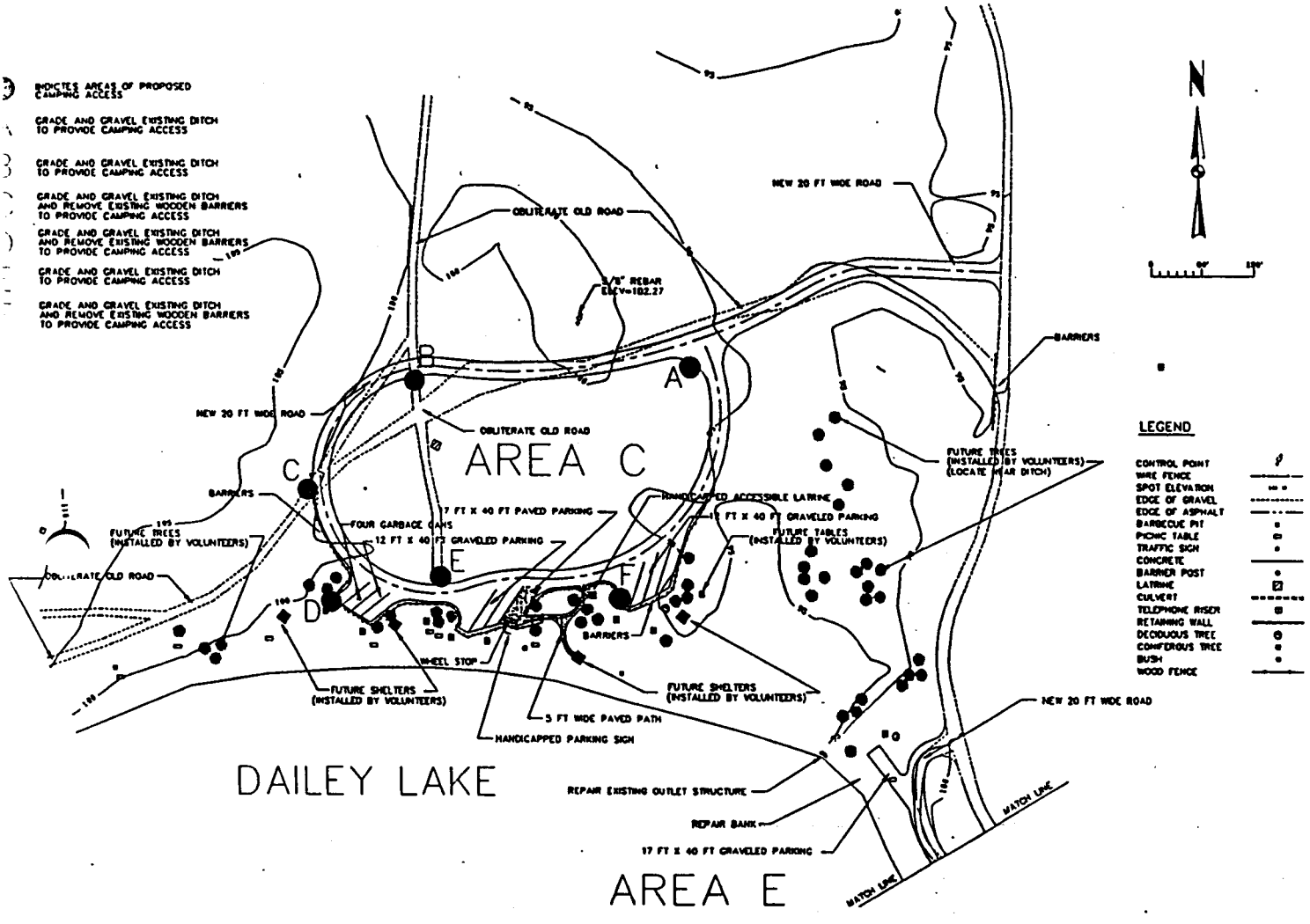

Figure 8. Proposed modifications in construction area C (site drawing from Thomas, Dean, and Hoskins, Inc.).

Table 14. Cost of modifying existing road barriers to allow more access to traditional camping areas at Dailey lake.

Area	Type of access	Number	Materials and labor	Total cost
A	Fill ditch Gravel Access	2	Fill dirt-3 cy @ $15/cy = $45.00 Gravel-10 cy @ $20/cy = $200.00 Backhoe-2 hr @ $80/hr = $160.00 Cost each = $405.00	$810.00
B	Remove barriers Fill ditch Gravel Access	2	Remove barriers- 1 hr @ $80.00/hr = $80.00 Fill ditch-as above Gravel access-as above Cost each = $485.00	$970.00
C	Remove barriers Fill ditch Gravel Access	3	Remove barriers-as above Fill ditch-as above Gravel access-as above Cost each = $485.00	$1,455.00
C	Fill ditch Gravel Access	3	Fill ditch-as above Gravel access-as above Cost each = $405.00	$1,215.00
F	Fill ditch Gravel Access	5	Fill ditch-as above Gravel access-as above Cost each = $405.00	$2,025.00
F	Fill ditch Gravel Access Add 60 ft culvert	1	Fill-12cy @ $15/cy = $540.00 Gravel (100)(20)(6/12)/27= 37 cy @ $20/cy = $740.00 culvert(18" diameter)- 60'@$35/ft = $2,100.00	$3,380.00

Total all construction: $9,855.00

Add 10% contingency: $10,840.00

Garbage service can be reestablished for about $500.00 each year. Because it is unlikely that FWP will have the staff to provide a garbage collection service at this site, volunteer help, perhaps from local sporting groups, will be necessary to reestablish this service.

At this point the archeological site will be addressed separately from other proposed site modifications. FWP acknowledges that the site is significant, and will protect the site as required by law. Challenges to the site's significance can go forward, of course, and mitigation plans can be developed, without having to delay progress on other problems at the site.

ENVIRONMENTAL CONSEQUENCES

Alternative A provides the greatest protection to the access site because it provides the greatest restrictions on recreational activity, and because it eliminates the need for new construction at the lake. However, this alternative does not address any issue raised in public comment and committee meetings to date (Table 15). For this reason, this alternative may be inconsistent with FWP goals to provide adequate facilities and to satisfy the needs of most lake users.

Alternative B satisfies each issue raised in discussions to date, but it also eliminates traffic control protection that is already in place. This alternative requires extensive new construction and has the greatest potential to harm the site because of disturbances associated with this type of activity.

Alternative C leaves some protection in place while satisfying each public concern identified to date. Barriers that will be opened to allow greater access to traditional camping areas, however, may have to be closed periodically, or perhaps permanently in some cases, if noxious weeds become a problem at the site.

Table 15. Consequences of alternative actions.

Concern:	Alternative		
	A Leave alone	B Remove all	C Modify
Does the alternative satisfy each issue raised in comment and committee discussion ?	No	Yes	Yes
Does the alternative involve new construction ?	No	Extensive	Moderate
Is the alternative consistent with goals of preserving the site ?	Yes	No	Yes
Is the alternative consistent with goals of providing adequate facilities for most lake users ?	Unknown	No	Yes

ATTACHMENT A: LAND ISSUES AT DAILEY LAKE

Within the last year, the Department of Natural Resources and Conservation (DNRC), formerly Department of State Lands (DSL), and the Department of Fish, Wildlife and Parks (FWP) have been attempting to resolve a contentious issue at Dailey Lake. That issue is the result of changes in the interpretation of appropriate responsibility for resource and land management of Government Lots 1, 2, 3 and 4 of Section 36, Township 6 South, Range 7 East, Park County. The area in question is owned by the State of Montana and encompasses 122.7 acres adjacent to other lands owned by FWP (Figure 6).

DSL leased this property to FWP from 1931 to 1970, first for waterfowl and later to provide public fishing and boating activities. In 1944, Section 36 was patented as "Common School Grant Land" by the U.S. Government. In 1969, FWP requested from Ted Schwinden, Commissioner of State Lands and Investment, that the area be "set aside for public recreation purposes" as allowed at that time by state law. The State Board of Land Commissioners granted this request in 1970 and discontinued the requirement for any monetary compensation from FWP to manage the area. This action, which at that time secured FWP's continued management, also allowed FWP to utilize federal funds to make improvements on the site. FWP and several local volunteer organizations have continued jointly to improve and maintain the "set aside area" since that time.

In 1976 the Attorney General issued a formal opinion regarding school trust land which was interpreted by DSL to preclude continued recreational use without full market value compensation to the school trust. This opinion was further interpreted by DSL to negate the effects on any lands formerly "set aside for recreational purposes." Although FWP has continued its involvement based on the original Land Board set aside and commitments to provide recreational use at Dailey Lake, the agency's management of that portion of Dailey Lake in Section 36 is now considered unleased or unlicensed use. All site improvements located on this portion of the lake property are no longer considered by DNRC to be the property of FWP.

This has become a difficult issue for both agencies and we are struggling to resolve the problem in a manner that will be equitable for the state and public. Several alternatives are currently under consideration. A brief discussion of the options with their pros and cons follows:

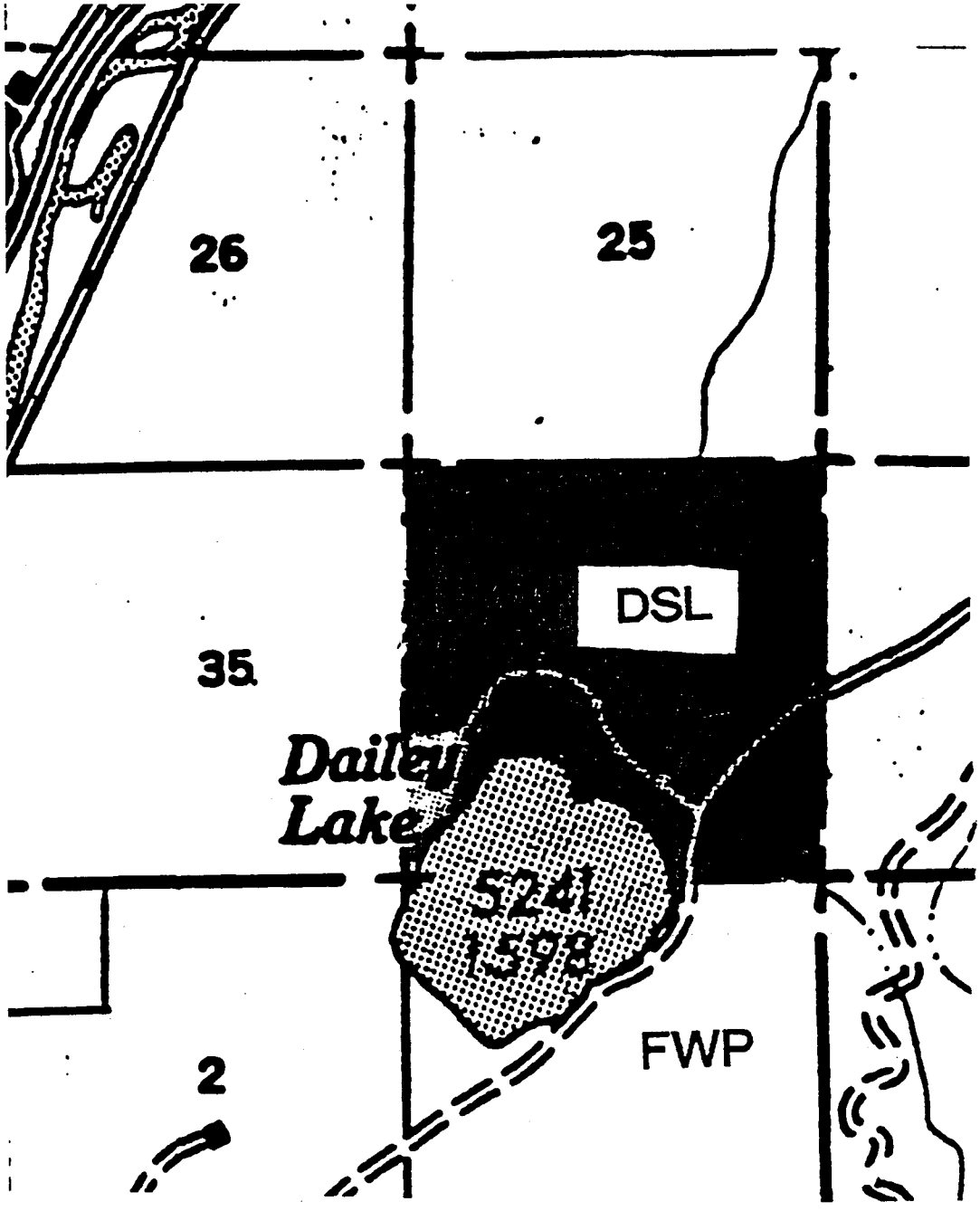

Figure 9. Land ownership at Dailey lake.

OPTIONS

A. Negotiate a lease between DNRC and FWP.

In this alternative, the property would be publicly advertised for lease to the highest bidder who will continue to manage the site for recreational use. FWP would need to exceed all written monetary offers and would not be afforded preference rights as former interest holder. The cost of the lease would be subject to change every five years by DNRC and the terms of the lease may be very restrictive. The maximum lease term is 20 years. If FWP should not be the successful bidder or if the lease cost should become too expensive for FWP, past development costs and public management of the site could be lost. All site improvements would be available to the new lessee or subsequent lessees if the lease is not awarded to FWP. On the surface this route may initially be the quickest and cheapest to secure, but the long-term continued open public use of the site is at risk.

B. Purchase the property from DNRC.

FWP's acquisition of title to the land would settle the problem in a conclusive manner. DNRC has informed FWP that the Land Board may be hesitant to sell this property for a number of reasons. However, if DNRC should approve the sale alternative, FWP would be required to outbid other potential purchasers in a competitive, oral bid process. It would need to bear sale costs such as surveying and environmental assessments in addition to the land cost. FWP would not be afforded any preference rights nor would it be considered the owner of improvements or structures presently on site. As a state agency, FWP acquisition statutes would make it extremely difficult to participate in an oral bidding process. This alternative could be very costly and there is risk involved if FWP should not be the successful bidder particularly if the site were sold to a private developer.

C. Acquire an easement from DNRC.

DNRC does not feel the Land Board has the authority to issue such an easement to FWP.

D. Exchange land with DNRC.

FWP would be required to submit an exchange proposal to DNRC personnel who would review and evaluate the proposal against recently established exchange criteria. The minimum value of the land FWP would need to offer in exchange would have to be at least equal in value and have the same potential for future appreciation in value. Exchanges like this take considerable time (in excess of 3 years) and staff to complete. FWP would need to find land that it considered exchange potential and have that land approved for disposal or acquire other private land that DNRC would accept in exchange. This option is also expensive but there is little risk of loss of the lake site since there is no competitive bid process required.

E. Abandon FWP's interest in the site.

With this alternative, FWP would surrender its interest in the management and improvements currently constructed at the site. DNRC could conceivably allow uses of the site which FWP may not consider in the best public interest such as fee camping, fee boat launches, or multiple uses such as stock grazing and recreation in the same area. There would be a loss of value to FWP and the other volunteer organizations who have invested time and money on the site. FWP would be required to reimburse the federal aid agencies who have helped support past capital improvements. FWP would also need to secure an easement from DNRC to access its remaining property located on the south side of the lake.

ATTACHMENT B: SUMMARY OF RESPONSE TO THE 1990-1991 [4] DAILEY LAKE RECREATIONAL USER SURVEY

Table 13. Number of responses (percentage) for Dailey Lake angler user survey conducted during 1990.

Question / Response options	No rank	Rank 1	Rank 2	Rank 3
Fish Dailey				
Yes	200 (81)			
No	40 (16)			
No answer	7 (3)			
Total	247			
Days fished/year				
1 to 5	82 (41)			
6 to 10	48 (24)			
11 to 20	49 (24)			
20 +	23 (11)			
Total	202			
Species preference (206 responded)				
Rainbow trout	23 (35)	82 (46)	35 (26)	28 (31)
Yellow perch	23 (35)	45 (25)	52 (38)	26 (29)
Walleye	18 (28)	43 (24)	46 (34)	27 (30)
Any fish	0 (0)	7 (4)	3 (2)	4 (4)
Other species	1 (0)	1 (1)	1 (1)	4 (4)
Total	65	178	137	89

4. Source:

Shepard, B.B. 1993. Fisheries of Dailey lake: Annual report for 1991 and 1992. Project F-46-R-4, no. II-c. Montana Department of Fish, Wildlife and Parks, Bozeman.

Table 13. (continued).

Question / Response options	No rank	Rank 1	Rank 2	Rank 3
Number or size (204 responded)				
Both number and size	128 (62)			
Size of fish	37 (18)			
No preference	22 (11)			
Number of fish	18 (9)			
Number responding	205			
Seasons fished (204 responded)				
Summer	164 (80)			
Spring	107 (52)			
Winter	79 (39)			
Fall	72 (35)			
Number responding	204			
Species preference (203 responded)				
Rainbow trout	1 (5)	72 (36)	27 (14)	
Walleye	6 (33)	69 (35)	32 (16)	
Yellow perch	4 (22)	26 (13)	40 (20)	
Brown trout	1 (5)	7 (4)	22 (11)	
Kokanee salmon	0	8 (4)	17 (8)	
Crappie	1 (5)	3 (1)	18 (9)	
Cutthroat trout	1 (5)	5 (3)	13 (7)	

Table 13. (continued).

Question Response options	No rank	Rank 1	Rank 2	Rank 3
Smallmouth bass	1 (5)	3 (1)	12 (6)	
Largemouth bass	0	5 (3)	7 (4)	
Bluegill	1 (5)	0	5 (2)	
Tiger muskie	0	1	3 (1)	
Other	2 (11)	1	1	
Total	18	200	197	
National organization member	(237 responded)			
Trout Unlimited	50 (25)			
Walleye Unlimited	36 (18)			
Federation Fly Fishers	22 (11)			
Other	7 (3)			
None	149 (74)			
Number anglers	202			
Local organization member	(238 responded)			
Joe Brooks TU	41 (20)			
Livingston WU	32 (16)			
Park Co. Rod and Gun	11 (5)			
Montana Sportsmen	3 (1)			
Other	14 (7)			
Number anglers	202			

Table 14. Number of responses (percentage) for Dailey Lake recreational user survey conducted during 1990.

Question / Response options	No rank	Rank 1	Rank 2	Rank 3
Type of Activity (231 responded)				
Fish	21 (24)	160 (77)	13 (10)	3 (3)
Wind surf	4 (5)	21 (10)	1 (1)	1 (1)
Camp	16 (18)	9 (4)	50 (37)	21 (22)
Motorboat	8 (9)	1	24 (18)	7 (7)
Water ski	3 (4)	3 (1)	4 (3)	15 (16)
Swim	7 (8)	1	5 (4)	17 (18)
Row boat	5 (6)	0	12 (9)	5 (5)
Bicycle	2 (2)	5 (2)	4 (3)	2 (2)
Hike	4 (5)	3 (1)	7 (5)	8 (8)
Sunbathe	5 (6)	0	6 (4)	8 (8)
Canoe	4 (5)	0	4 (3)	6 (6)
Other	9 (10)	5 (2)	4 (3)	2 (2)
Total	88	208	134	95
Conflict experienced (232 responded)				
No	136 (59)			
Yes	96 (41)			
Total	232			

Table 14. (continued).

Question Response options	No rank	Rank 1	2	3
User which caused conflict	(103 responded)			
Water skier	51 (50)	(26 also motorboat)		
Motorboat driver	45 (44)			
Wind surfer	40 (39)			
Angler	17 (17)	(6 also motorboat)		
Camper	7 (7)			
Swimmer	1 (1)			
Canoeist	1 (1)			
Row boat	1 (1)			
Hiker	1 (1)			
Bicyclist	0			
Sunbather	0			
Suggested alternatives to reduce conflict	(131 responded)			
No restriction	49 (37)			
Ban certain user groups	37 (28)			
Restrict user group to portions of lake	22 (17)			
Restrict user group to specific time	12 (9)			
More than one restriction	11 (8)			
Total	131			

Table 15. Number of responses (percentage) for Dailey Lake survey conducted on needed facilities during 1990.

Question / Response options	No rank	Rank 1	Rank 2	Rank 3
Are facilities adequate (230 responded)				
Adequate	137 (60)			
Less than needed	83 (36)			
More than needed	10 (4)			
Needed additional facilities (146 responded)				
Trees	21 (20)	27 (28)	18 (24)	10 (16)
Toilets	13 (12)	15 (15)	12 (16)	4 (7)
Boat ramp	9 (9)	19 (19)	7 (9)	7 (11)
Drinking water	19 (18)	13 (13)	7 (9)	12 (20)
Picnic tables	7 (7)	7 (7)	7 (9)	3 (5)
Boat dock	5 (5)	2 (2)	7 (9)	2 (3)
Wind meter	4 (4)	2 (2)	6 (8)	5 (8)
Picnic shelters	7 (7)	2 (2)	4 (5)	5 (8)
Better beaches	2 (2)	3 (2)	1 (1)	2 (3)
Barbecues	4 (4)	0	4 (5)	5 (8)
Trailer hook ups	2 (2)	3 (3)	0	1 (2)
Showers	2 (2)	1 (1)	0	1 (2)
Swimming buoys	2 (2)	0	0	2 (3)
Other	7 (7)	4 (4)	3 (4)	2 (3)
Total	104	98	76	61

Table 15. (continued).

Question Response options	No rank	Rank 1	Rank 2	Rank 3
Willing to do following	(125 responded)			
$2 per visit	4 (22)	28 (24)	8 (21)	0
$10 per year	2 (11)	23 (20)	8 (21)	1 (10)
Donate time	7 (39)	23 (20)	9 (24)	4 (40)
Nothing	0	15 (13)	2 (5)	2 (20)
$20 per year	2 (11)	12 (11)	4 (11)	0
$5 per visit	1 (5)	9 (8)	3 (8)	1 (10)
Pay for and install the facility	1 (5)	0	3 (8)	1 (10)
Other	1 (5)	4 (4)	1 (3)	1 (10)
Total	18	114	38	10

ATTACHMENT C: THE STATE HISTORICAL PRESERVATION OFFICE CONCURRENCE REGARDING ARCHEOLOGICAL SITE ELIGIBILITY

State Historic Preservation Office
Montana Historical Society

Mailing Address: 225 North Roberts • Helena, MT 59620-1201
Office Address: 102 Broadway • Helena, MT • (406) 444-7715

August 14, 1992

Paul Valle
Montana Department of Fish, Wildlife and Parks
1420 East Sixth Avenue
Helena, MT 59620

RE: Dailey Lake Fishing Access Site, 24PA975, Evaluation Report.

Dear Mr. Valle,

Based on a review of "Evaluation Phase Testing of 24PA975 at the Dailey Lake Fishing Access Site" we concur with the archaeologist's techniques methods and report (except for his ability to spell John Colter's name and his sexual fantasies involving stone tools). There also seems to be adequate information to agree that 24PA975 could be considered as eligible to the National Register of Historic Places.

In regard to the proposed mitigation, there are a couple items of concern which may require a more elaborate discussion. I agree that moving the proposed latrine to the location of Test Unit 3 would have minimal impact in that area. I'm not sure why having a barrier for "walk in only" could be seen as an appropriate mitigation measure for the rest of the site area when the cultural material occurs from the surface on down. Walk ins can do an amazing amount of churning if they have the interest and the opportunity. Thirdly, the idea of site burial as a mitigative measure, as in the use of fill dirt to create the proposed road bed, has not been attempted or used yet in Montana. If that were to be the approved solution the general thought here is that it should be preceeded by some kind of controls, such as compaction tests and monitoring while in progress. Mark Baumler has suggested that the Corps of Engineers may know something about these matters but we don't.

Thank you for opportunity to comment on this proposed action by the Department of Fish, Wildlife and Parks.

Sincerely,

Kerry Lippincott, PhD
Temporary Archaeologist

File: FWP/Bailey Lake FAP

ATTACHMENT D: DAILEY LAKE EA COMMITTEE MEMBERS

Montana Department of Fish, Wildlife, and Parks:

Tom Greason ..... Parks Maintenance, Bozeman

Dori Passman ..... Archaeologist, Helena

Royal Rice ..... Design and Construction, Helena

Joel Tohtz ..... Fisheries Biologist, Livingston

Richard Vincent * ..... Regional Fisheries Manager, Bozeman

Department of Natural Resources and Conservation:

Jim Kalitowski ..... Unit Manager, Bozeman

Community representatives:

Ray Lee ..... Trout Unlimited, Livingston

Gene Lembcke ..... Walleye Unlimited, Emigrant

Ben Mar ..... Emigrant

Bud Pynn ..... Park County Rod and Gun, Livingston

Ted Williams ..... Walleye Unlimited, Livingston

David Wisty..... Livingston

* chairman

DOCUMENT HISTORY

1) First draft May 12, 1995
2) Revised draft June 27, 1995
3) Revised draft September 1, 1995
4) Last draft October 25, 1995

Prepared by Joel Tohtz, FWP
Attachment A prepared by Debra Dils, FWP: September 1, 1995